

From: Mark Rogers
To: [Smith, Mashell](#); [CLMD Land Management](#)
Cc: [Nhat M. Ho](#); [Rachel Stone](#); [Fayez Kazi](#)
Subject: GNDC Update Ltr 5.3.20 File #10076-1901
Date: Sunday, May 3, 2020 12:05:20 PM
Attachments: [GNDC File #10076-1901 809 E 9 ROW.pdf](#)

*** External Email - Exercise Caution ***

Dear Ms. Smith,

I have attached a letter that I'm hoping provides the pertinent background and an update related to our application for the alley vacation adjacent to our property at 809 East 9th Street. As you probably are aware, the application was approved on consent by both the Urban Transportation Commission and Planning Commission late last year. In February of this year, also on consent, the City Council approved selling the remainder of the alley to GNDC. You already should have copies of the letter and email that I sent last month to all of the condominium owners at the Tyndall who submitted objection letters to the alley vacation. In my letter and email, I offered to meet virtually if the Tyndall owners wished to and I provided my phone number, email address and mailing address. I have had no responses of any kind from anyone.

Despite their statements regarding safety, I'm quite certain the Tyndall owners are actually concerned about the loss of views of our downtown. While such a concern is reasonable, had anyone investing in a west-facing condominium at the Tyndall asked about the development potential of the Lopez Property-- 809 East 9th Street-- the developers of the Tyndall undoubtedly knew that the entitlements are the same as those for the Tyndall. While it is an investor's responsibility to understand the pros and cons of their investment, it is my responsibility to develop property owned by our corporation to its highest and best use in order to most effectively fulfill our mission. Had the developers of the Tyndall acquired the Lopez Property, their project certainly would have been built as far to the west and as tall as we plan to build on that same property. And, just as certainly, they would have wished to build using the 572 feet of the remainder of alleyway, just as we would like to do. Their objections suggest our property is not right for seniors, yet I'm also quite sure that the real estate agents for the Tyndall are not trying to dissuade any potential buyers who are 62 years of age or older from acquiring units in the Tyndall that are along East 9th Street. GNDC has a long history of developing high quality housing in Austin. La Vista de Lopez will exemplify our commitment to providing the best affordable homes developed in our city.

Thank you for your time and consideration.

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Mark C. Rogers, Executive Director
Guadalupe Neighborhood Development Corporation
813 East 8th Street, Austin Texas 78702
512-479-6275 ext. 6

www.guadalupenc.org

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May 1, 2020

Re: File Number 10076-1901

Attn: Mashell Smith
Real Estate Supervisor

To Whom It May Concern:

Last year, the Guadalupe Neighborhood Development Corporation (GNDC) applied for an alley vacation for the 10-foot remainder of an alley located adjacent to the rear of our property at 809 East Street. City of Austin notification regarding this application first went out to the public on or around October 25, 2019. The Urban Transportation Commission and the Planning Commission reviewed the application in November 2019 and both supported the request on consent. On February 20, 2020, the Austin City Council approved the sale of the remainder of the alley to GNDC, also on consent.

It is my understanding that, due to a notification error in 2019, a new notification was sent out in 2020. At the end of March, I learned from our engineering firm that numerous owners of condominiums at the Tyndall on Robertson Hill, adjacent to our property, responded to the notice with objections. On April 9th, City staff provided us with scanned copies of the hard copy objection letters they had received and on April 15th, staff provided us with copies of the emailed objections.

On April 14th, I sent a letter by US mail to each Tyndall owner who had sent hard copy objection letters and I copied Mashell Smith, City of Austin Real Estate Supervisor, by email on the letter and the mailing labels. On April 15th, I sent an email letter responding to every one of the Tyndall owners who had emailed an objection and again copied Ms. Smith and Land Management on the email. My letter to the Tyndall owners addressed their concern about fire and safety which was the focus of the objections by the Tyndall owners. La Vista de Lopez will be a safer project with the inclusion of the remainder of alley.

In my response, I let the Tyndall owners know that, because of COVID-19, we were open to a virtual meeting if they wished. I provided the owners my office address, my phone number and my email address. Despite providing a variety of ways to be contacted, at this time I have not received a single response from anyone. I also should note that my office is across the street from the Tyndall condominiums.

Just as the developers of the Tyndall used the 10 feet of adjacent alley, GNDC would like to use the remainder of the alley for its development. La Vista de Lopez will be a beautiful and affordable home for persons over the age of 62 with low to moderate income. Austin needs 60,000 units of affordable housing over the next 10 years. Please help us move a little closer towards achieving that goal.

Sincerely,

Mark C. Rogers, Executive Director



GNDC
Guadalupe Neighborhood Development Corporation

April 14, 2020

Bruner Interests LLC
800 Embassy Drive, Unit #336
Austin, Texas 78702

Re: File #10076-1901

Dear Bruner Interests LLC:

Guadalupe Neighborhood Development Corporation (GNDC) is aware of the concern you have expressed regarding a possible fire hazard created by vacating the alley at the back of our property. On behalf of GNDC, I would like you to know that our organization wanted to provide an opportunity to meet with owners at the Tyndall at Robertson Hill to discuss in person, yet is unable to do so because of the current COVID-19 constraints. If you and others wish to set up a virtual meeting, we are open to that idea.

In lieu of such a meeting, please accept this letter as a means to address the concern you have expressed regarding fire hazard created by the vacation of a 572 square foot portion of an alley at the back of our property located at 809 East 9th Street. GNDC is confident that the vacation of the alley and this project in general will enhance the safety of the entire neighborhood for the following reasons:

- The vacation of the alley will ensure a safer environment, not only for our La Vista de Lopez project, but for all nearby developments. Extensive review by City of Austin code and fire department officials has determined that by being included in the development of La Vista de Lopez the current "no man's land" will be able to be maintained as an area accessible to fire department and other health and safety personnel.
- Vacation of the alley will create a safer condition for all residents and property owners in the area by decreasing the risk of fire and by establishing better access to Austin Fire Department and other City service personnel.
- Although it is totally unrelated to the alley vacation, it should be known that, as part of the development of La Vista de Lopez, a code-compliant fire suppression system and other safety measures, as required by building and fire code, will be installed in the historic home making it safer than it has ever been during the past century it has existed.
- La Vista de Lopez will meet all the current building and fire code requirements and, therefore, will be as safe, if not safer, than the slightly older Tyndall Condominiums and considerably older AMLI Eastside Apartments.

We are confident La Vista de Lopez will be a wonderful addition to the area. The building will follow all City code requirements, and will be as safe a place to live as the Tyndall, the AMLI Eastside and all the newly developed residential projects of our thriving East Austin community.

Sincerely,

Mark C. Rogers, Executive Director
Guadalupe Neighborhood Development Corporation
(512) 479 6275 x 6